

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34376 of 2015

Arising Out of PS.Case No. -137 Year- 2014 Thana -JANDAHA District- VAISHALI(HAJIPUR)

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1. Satyendra Sahni S/o Sri Satya Narain Sahni @ Kari Sani Resident of Village Mahipura, P.S. Jandaha, District Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar

For the Opposite Party/s : Mr. Shailendra Kumar No.2 (App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

3 02-11-2015 Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

Petitioner happens to be husband of the deceased, who is languishing in jail custody since 06-05-2015 in a case registered under Sections-304B, 201/34 of the Indian Penal Code. In course of investigation, co-villagers of petitioner claimed that the deceased was suffering from diarrhoea and she was taken to one doctor namely, Dr. B. Jha “Bindu” for treatment and the aforesaid doctor referred her to PMCH and while he was being taken for better treatment, she died on her way.

It would appear from perusal of paragraph-26 of the case diary that one prescription was produced before the I.O. in course of investigation but it is not only surprising but also painful

for this court that the concerned I.O. did not verify the genuineness of the aforesaid prescription by examining the concerned doctor and without making investigation on the aforesaid point, submitted charge sheet u/S 304B of the Indian Penal Code against the petitioner.

Learned counsel, appearing for petitioner submits that the informant lodged this case in very haste manner but subsequently, when he came to know about the real fact, he filed compromise petition and also verified regarding the treatment of the deceased with concerned doctor.

Considering the above-said facts and circumstances of the case as well as submission of the parties, let the petitioner named above, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with Jandaha P.S. Case No. 137 of 2014 to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur.

(Hemant Kumar Srivastava, J)

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